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EXAMINER

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Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 6, 7, 10, 12, 14, 16 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Awada et al (US 6,831,970) in view of Burgess (US 6,359,970).

Regarding claim 1, Awada teaches a mobile telephone (see column 1, lines 14-17 and column 4, lines 24-27, "mobile telephone") comprising: a ringer to provide audible alert of an incoming telephone call (see column 4, lines 2-27 and column 7, line 59 to column 8, line 8), a ringer schedule interface to receive a ringer control schedule (see column 4, lines 2-27 and column 7, line 59 to column 8, line 8. In order to allow the user to set "the telephone vibrate instead of ring". The teaching of Awada inherently teaches an "interface" as claimed. In addition, column 4, lines 2-27, see "the user can schedule..."), and a ringer controller to automatically change the parameter of the ringer according to the ringer control schedule (also see column 4, lines 2-27 and column 7, line 59 to column 8, line 8. The teaching of Awada indeed teaches both directly activate (see Awada's column 1, line 1 to column 2 line 44) and remotely activate a profile of a telephone (see column 2, lines 46-67) and a control to override the ringer control schedule (Abstract, see "*update the calendar*" and "*converting the calendar*

Art Unit: 2686

information", also column 2, lines 46-67 and column 5, lines 43-59, see "*update profile and calendar information*").

Awada does not specifically disclose the ringer control schedule indicating times at which a parameter of the ringer is to change.

Burgess teaches the ringer control schedule indicating times at which a parameter of the ringer is to change (see column 3, lines 58-66 and column 8, lines 19-46).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Burgess into the system of Awada in order to enable the consumers to regain value-added control of their personal time (see Burgess, column 3, lines 45-47).

Regarding claim 2, Awada teaches the mobile telephone of claim 1. Awada does not specifically disclose the ringer control schedule indicates, for each day of the week, the times at which the parameter is to change.

Burgess teaches the ringer control schedule indicates, for each day of the week, the times at which the parameter is to change (see column 3, lines 58-66 and column 8, lines 19-46).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Burgess into the system of Awada in order to enable the consumers to regain value-added control of their personal time (see Burgess, column 3, lines 45-47).

Regarding claim 3, Awada teaches the mobile telephone of claim 1. Awada does not specifically disclose the ringer control schedule comprises a first time for a first day of the week at which the ringer is to be turned off, and a second time for the first day of the week at which the ringer is to be turned back on.

Burgess teaches the ringer control schedule comprises a first time for a first day of the week at which the ringer is to be turned off, and a second time for the first day of the week at which the ringer is to be turned back on (see column 3, lines 58-66 and column 8, lines 19-46).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Burgess into the system of Awada in order to enable the consumers to regain value-added control of their personal time (see Burgess, column 3, lines 45-47).

Regarding claim 4, Awada teaches the mobile telephone of claim 1. Awada does not specifically disclose the ringer control schedule for a second day of the week differs from that for the first day of the week.

Burgess teaches the ringer control schedule for a second day of the week differs from that for the first day of the week (see column 3, lines 58-66 and column 8, lines 19-46).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Burgess into the system of Awada in order to enable the consumers to regain value-added control of their personal time (see Burgess, column 3, lines 45-47).

Regarding claim 6, Awada teaches a display device (in order to set a schedule and calendar, the teaching of Awada indeed teaches Applicant's "a display device"), and a user input device; wherein the ringer schedule interface uses the display device to display at least part of the ringer control schedule and the user input device to create at least part of the ringer control schedule (see Awada's column 1, line 1 to column 2 line 44).

Regarding claim 7, Awada teaches an interface to an external device; wherein the ringer schedule interface uses the interface to receive at least part of the ringer control schedule created using and downloaded by the external device (column 2, lines 46-67, see "remotely activate a profile of a telephone").

Regarding claim 10, Awada further teaches the interface (see Awada, fig.1, interface 210) comprises a data port (see column 6, lines 25-27).

Regarding claim 12, Awada teaches a mobile telephone comprising: a ringer to audibly alert of an incoming telephone call (see column 1, lines 14-17 and column 4, lines 24-27, "mobile telephone"), a display device (in order to set a schedule and calendar, the teaching of Awada indeed teaches Applicant's "a display device"), a user input device (see column 1, lines 63-65), a ringer schedule interface to receive a ringer control schedule (see column 4, lines 2-27 and column 7, line 59 to column 8, line 8. In order to allow the user to set "the telephone vibrate instead of ring") and a ringer controller to automatically change the parameter of the ringer according to the ringer control schedule and the user input device to create at least part of the ringer control schedule (also see column 4, lines 2-27 and column 7, line 59 to column 8, line 8. The

Art Unit: 2686

teaching of Awada indeed teaches both directly activate (see Awada's column 1, line 1 to column 2 line 44), and a ringer controller to automatically change the parameter of the ringer according to the ringer control schedule (also see column 4, lines 2-27 and column 7, line 59 to column 8, line 8. The teaching of Awada indeed teaches both directly activate (see Awada's column 1, line 1 to column 2 line 44) and remotely activate a profile of a telephone (see column 2, lines 46-67), a control to override the ringer control schedule (Abstract, see "*update the calendar*" and "*converting the calendar information*", also column 2, lines 46-67 and column 5, lines 43-59, see "*update profile and calendar information*") and remotely activate a profile of a telephone (see column 2, lines 46-67).

Awada does not specifically disclose the ringer control schedule indicating times at which a parameter of the ringer is to change, wherein the ringer schedule interface uses the display device to display at least part of the ringer control schedule and the user input device to create at least part of the ringer control schedule, and wherein the ringer control schedule indicates, for each day of the week, the times at which the parameter is to change; and wherein the ringer control schedule comprises a first time for a first day of the week at which the ringer is to be turned off, and a second time for the first day of the week at which the ringer is to be turned back on.

Burgess teaches the ringer control schedule indicating times at which a parameter of the ringer is to change (see column 3, lines 58-66 and column 8, lines 19-46), wherein the ringer schedule interface uses the display device to display at least part of the ringer control schedule (see column 3, lines 58-66 and column 8, lines 19-46)

Art Unit: 2686

and wherein the ringer control schedule indicates (see column 3, lines 58-66 and column 8, lines 19-46), for each day of the week (see column 7, lines 33-49, column 3, lines 58-66 and column 8, lines 19-46), the times at which the parameter is to change (see Abstract, column 3, lines 58-66 and column 8, lines 19-46), and wherein the ringer control schedule comprises a first time for a first day of the week at which the ringer is to be turned off and a second time for the first day of the week at which the ringer is to be turned back on (see column 7, lines 33-49, column 3, lines 58-66 and column 8, lines 19-46).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Burgess into the system of Awada in order to enable the consumers to regain value-added control of their personal time (see Burgess, column 3, lines 45-47).

Regarding claim 14, Awada teaches the mobile telephone of claim 12. Awada does not teach the ringer control schedule for a second day of the week differs than that for the first day of the week.

Burgess teaches the ringer control schedule for a second day of the week differs than that for the first day of the week (see column 7, lines 33-49, column 3, lines 58-66 and column 8, lines 19-46).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Burgess into the system of Awada in order to enable the consumers to regain value-added control of their personal time (see Burgess, column 3, lines 45-47).

Art Unit: 2686

Regarding claim 16, claim 16 is rejected with the similar reason as set forth in claim 12 above.

Regarding claim 20, Awada further teaches a control to override the ringer control schedule (Abstract, see "*update the calendar*" and "*converting the calendar information*", also column 2, lines 46-67 and column 5, lines 43-59, see "*update profile and calendar information*").

3. Claims 5, 15 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Awada et al (US 6,831,970) in view of Miura et al (US 6,763,105).

Regarding claim 5, Awada teaches the change in the ringer is selected from turning the ringer off, turning the ringer on (see column 4, lines 2-27 and column 7, line 59 to column 8, line 8). Awada does not specifically disclose changing a ring tone, and changing a ring volume.

Miura teaches changing a ring tone, and changing a ring volume (see Abstract and see column 1, line 65 to column 2, line 6).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Miura into the system of Awada in order to control the ringer-tone-volume.

Regarding claim 15, claim 15 is rejected with the similar reason as set forth in claim 5 above.

Art Unit: 2686

4. Claims 8, 9, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Awada et al (US 6,831,970) in view of Dutta (US 6,760,581).

Regarding claim 8, Awada teaches remotely activate a profile of a telephone (column 2, lines 46-67 and fig.3, see connection 305 between items 140 and 120). Awada does not specifically disclose the interface comprises a short-range wireless interface.

Dutta teaches the interface comprises a short-range wireless interface (see column 5, lines 50-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Dutta into the system of Awada in order to provide a hold operation from a mobile telephone (see Dutta, Abstract).

Regarding claim 9, Awada teaches remotely activate a profile of a telephone (column 2, lines 46-67 and fig.3, see connection 305 between items 140 and 120). Awada does not specifically disclose the short-range wireless interface comprises a BLUETOOTH interface.

Dutta teaches the short-range wireless interface comprises a BLUETOOTH interface (column 5, lines 50-67, see "Bluetooth").

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Dutta into the system of Awada in order to provide a hold operation from a mobile telephone (see Dutta, Abstract).

Regarding claim 17, claim 17 is rejected with the similar reason as set forth in claim 8 above.

Art Unit: 2686

Regarding claim 18, claim 18 is rejected with the similar reason as set forth in claim 9 above.

5. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Awada et al (US 6,831,970) in view of Burgess (US 6,359,970) and further in view of Dutta (US 6,760,581).

Regarding claim 22, Awada teaches a mobile telephone (see column 1, lines 14-17 and column 4, lines 24-27, "mobile telephone") comprising: a ringer to provide an audible alert of an incoming telephone call (see column 4, lines 2-27 and column 7, line 59 to column 8, line 8), a ringer schedule interface to receive a ringer control schedule (see column 4, lines 2-27 and column 7, line 59 to column 8, line 8. In order to allow the user to set "the telephone vibrate instead of ring". The teaching of Awada inherently teaches an "interface" as claimed. In addition, column 4, lines 2-27, see "the user can schedule..."), a ringer controller to automatically change the parameter of the ringer according to the ringer control schedule (also see column 4, lines 2-27 and column 7, line 59 to column 8, line 8 and column 1, line 1 to column 2 line 44), and wherein the ringer schedule (see column 4, lines 2-27 and column 7, line 59 to column 8, line 8. In order to allow the user to set "the telephone vibrate instead of ring"), interface uses the interface to receive at least part of the ringer control schedule from the external device (see column 4, lines 2-27 and column 7, line 59 to column 8, line 8. In order to allow the user to set "the telephone vibrate instead of ring". The teaching of Awada inherently

Art Unit: 2686

teaches an "interface" as claimed. In addition, column 4, lines 2-27, see "the user can schedule...").

Awada does not specifically disclose the ringer control schedule indicating times at which a parameter of the ringer is to change.

Burgess teaches the ringer control schedule indicating times at which a parameter of the ringer is to change (see column 3, lines 58-66 and column 8, lines 19-46).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Burgess into the system of Awada in order to enable the consumers to regain value-added control of their personal time (see Burgess, column 3, lines 45-47).

The combination of Awada and Burgess does not specifically disclose a short-range wireless interface to an external device.

Dutta teaches a short-range wireless interface to an external device (see column 5, lines 50-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Dutta into the system of Awada and Burgess in order to provide a hold operation from a mobile telephone (see Dutta, Abstract).

Response to Arguments

6. Applicant's arguments filed 08/07/05 have been fully considered but they are not persuasive.

On pages 7 and 9 of applicant's remarks, applicant argues that the combination of Awada and Burgess fails to teach claims 1-4, 6, 7, 10, 12, 14 and 16.

The examiner, however, disagrees. The combination of Awada and Burgess does indeed teach applicant's claims 1-4, 6, 7, 10, 12, 14 and 16. In addition, applicant's attention is directed to the rejection of claim 1-4, 6, 7, 10, 12, 14 and 16 above.

On page 7 of applicant's remarks, applicant argues that Awada fails to teach a control to override the ringer control schedule.

In response, examiner maintains that Awada does indeed teach a control to override the ringer control schedule (Abstract, see "*update the calendar*" and "*converting the calendar information*", also column 2, lines 46-67 and column 5, lines 43-59, see "*update profile and calendar information*"). In addition, applicant's attention is directed to the rejection of claims 1 and 12 above.

On pages 8 and 9 of applicant's remarks, applicant argues that Awada fails to teach a ring control schedule that is created part by input from user a user interface of mobile telephone and created in part by, and downloaded from, an external device.

In response, examiner asserts that Awanda does indeed teach a ring control schedule that is created part by input from user a user interface of mobile telephone and

Art Unit: 2686

downloaded from, an external device (see Awanda, column 2, lines 46-67, see “remotely activate a profile of a telephone”).

On page 9 of applicant's remarks, applicant argues that neither Awanda nor Miura teaches claims 5 and 15.

The examiner, however, disagrees. The combination of Awada and Miura does indeed teach applicant's claims 5 and 15. In addition, applicant's attention is directed to the rejection of claim 5 and 15 above.

On page 10 of applicant's remarks, applicant argues that neither Awanda nor Dutta teaches claims 8, 9, 17 and 18.

The examiner, however, disagrees. The combination of Awada and Dutta does indeed teach applicant's claims 8, 9, 17 and 18. In addition, applicant's attention is directed to the rejection of claim 8, 9, 17 and 18 above.

On page 11 of applicant's remarks, applicant argues that Dutta does not teach the use of a short-range wireless interface to receive at least part of a ringer control schedule created and downloaded by an external device as recited by the combination of claims 7 and 8.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case, Awada teaches claim 7 (see the teaching of Awada above), Dutta

Art Unit: 2686

teaches claim 8 (not claim 7, see the teaching of Dutta above), and the combination of Awada and Dutta does indeed teach applicant's claimed limitations of claims 7 and 8.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi H. Ly whose telephone number is (571) 272-7911. The examiner can normally be reached on 8:30 am-5:30 pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2686

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Nghi H. Ly

NHL
10/18/05



CHARLES APPIAH
PRIMARY EXAMINER